IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 18087 of 2007(C)

PETITIONER:

DON ANTONY, AGED 22 YEARS,
S/O V.J.ANTONY, VILLANASSERY, PERUMANOOR,
THEVARA, ERNAKULAM.

BY ADV. SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
ALUVA POLICE STATION, ALUVA.

3. K.S.SHAMNAZ, AGED 24, KANIYATH HOUSE,
PALLIPORT P.O., MUNAMBAM, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.18087 of 2007

Dated this the 19th day of June 2007

J U D G M E N T

The petitioner is the accused in a crime registered for offences punishable inter alia under Section 427 I.P.C. All the offences are compoundable under Sections 320(1) and 320(2) Cr.P.C. According to the petitioner, the defacto complainant has settled the disputes and has compounded the offences. Inasmuch as final report has not been filed, it is not possible for the petitioner to report composition, it is submitted. In these circumstances, he has come before this court with the prayer that the powers under Section 482 Cr.P.C may be invoked.

2. After discussions at the bar, the learned counsel for the petitioner submits that in the light of the decision in Sabu George v. Home Secretary [2007(1) KLT 982] the petitioner may be permitted to approach the learned Magistrate to file an application for composition notwithstanding the fact that the final report has not been filed. Request accepted. Permission granted. This writ petition is accordingly dismissed. The

dismissal of this writ petition will not in any way fetter the rights of the petitioner to approach this court again to challenge the orders, if any, passed by the learned Magistrate.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007